

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD BILOVUS,

Plaintiff,

Case No. 08-14701

v.

Honorable John Corbett O'Meara

PROGRESSIVE METAL
MANUFACTURING, CO.,

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiff Richard Bilovus filed a four-count complaint against defendant Progressive Metal Manufacturing, alleging the following causes of action: Count I, violations of the Age Discrimination in Employment Act of 1967 (“ADEA”), 29 U.S.C. §§ 621, *et seq.*; Count II, violations of Michigan’s Elliott Larsen Civil Rights Act (“ELCRA”), Mich. Comp. Laws Ann. § 37.2201; Count III, retaliation under the ADEA; and Count IV, retaliation under the ELCRA.

While claims alleging violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations in the complaint present claims based on state law. The parties to this matter are not diverse. Therefore, this court declines to exercise pendent jurisdiction over the state claims. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); 28 U.S.C. § 1337(c). Accordingly, it is hereby **ORDERED** that Counts II and IV are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Dated: March 11, 2009

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, March 11, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager